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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/820,317
Filed: April 8, 2004
Group Art Unit: 3751
Examiner: Timothy Maust
Applicant: Rodger P. Grantham
Title: CONTROL OF A/L RATIOS IN VACUUM ASSIST VAPOR
RECOVERY DISPENSERS
Attorney Docket: VSTI-10U
Confirmation No.: 8515

Cincinnati, Ohio 45202

April 7, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. §1.131

I Rodger P. Grantham, being duly cautioned, submit this Declaration in response to the Office Action mailed December 28, 2004, and do hereby state:

That I am the inventor of the invention titled "CONTROL OF A/L RATIOS IN VACUUM ASSIST VAPOR RECOVER DISPENSERS" described and claimed in U.S. Patent Application Serial No. 10/820317, filed April 8, 2004 ("the Application").

That the claimed invention was conceived prior to March 13, 2003, the effective filing date of U.S. Patent No. 6,830,080 to Nanaji, and was coupled with due diligence from a date prior to March 13, 2003 through filing of U.S. Provisional Patent Application Serial No. 60/461,725, filed on April 10, 2003 ("the Provisional Application") and to which the Application claims priority.

That, as evidence of prior conception of the claimed invention, a redacted copy of an invention disclosure directed to the claimed invention is attached to this Declaration as Exhibit A.

That Exhibit A bears a date prior to March 13, 2003. This date along with other information have been masked.

That from a date prior to March 13, 2003 until filing the Provisional Application on April 10, 2003 I diligently worked with my former patent counsel in order to get the Provisional application on file with the U.S. Patent and Trademark Office. That during this time and on at least one occasion, I reviewed and provided comments to my patent counsel regarding the Provisional Application.

Therefore, in summary, this Declaration provides evidence in support of the conception and reduction to practice of the claimed subject matter in the Application, the act of conceiving occurring in the United States prior to March 13, 2003 and coupled with due diligence from prior to March 13, 2003 until filing of the Provisional Application on April 10, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

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Respectfully submitted,

Rodger P. Grantham

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